THE TRAVANCORE EZHAVA BILL.

MR. C. P. KOCHUKUNJU PILLAI: Sir, I have received one more petition with regard to the Ezhava Bill for presentation to the Council. The petition purports to have proceeded from important Ezhava members of the Velinallur *pakuthi*. It is signed by twenty-four voters out of the thirty-three voters of that *pakuthi*. The points for consideration are the same as in those that were presented yesterday and as such I do not mean to mention them.

MR. A. HOOGEWERF: I find a counter-petition placed on my table. I do not know who placed it; so I am not presenting it.

Clause 2.

DEPUTY PRESIDENT: We were at clause 2 yesterday. The only amendment that has not been disposed of is Mr. Nidiry's, *viz.*,

Add "mixed system."

Do you move that amendment, Mr. Nidiry?

MR. J. JOHN NIDIRY: I do not move this amendment.

MR. V. SUBBA AIYAR: The clause as amended by the Council will read as follows:

"Our Government may, by a notification in Our Government Gazette, extend the operation of any portion of this Regulation to Ezhavas –

(1) who follow *makkathayam*, or

(2) who having renounced Hinduism continue to follow *marumakkathayam* as modified by usage (commonly called mixed system).

But nothing herein contained shall be deemed to enable Government to extend to Ezhava converts the provisions of Part II of the Bill relating to marriage and its dissolution."

There was some confusion as to the proviso. It is not clear whether both the parties should be Christians, or one of the parties may be a Christian. I suppose it is meant that the marriage should be under Christian rites. To give effect, therefore, to the meaning, all of us wanted and to make it plainer, I should like to move an amended clause if Mr. Panjikkaran who was responsible for the proviso would not objetct to it.

DEPUTY PRESIDENT: You may do so.

MR. V. SUBBA AIYAR: This is the amendment, which I move:

"Nothing herein contained shall be deemed to enable Government to extend the provisions of Part II of the Regulation to Ezhava converts whose marriage has been solemnised according to Christian rites."

MR. P. K. NARAYANA PILLAI: I accept the amendment.

DEPUTY PRESIDENT: Do you object to it, Mr. Panjikaran? Does that really embody the spirit of your amendment?

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[Mr. J. John Nidiry.]

MR. JOSEPH PANJIKARAN: If my friend Mr. Subba Aiyar will be able to word it in such a way as not to make it so very restrictive, I think it will be acceptable. Mr. Subba Aiyar seems to refer only to Christians, whereas the other form would apply to all converts. If the word "Non-Hindu" is used instead of "Christian," I think it will be acceptable.

DEPUTY PRESIDENT: What are the Non-Hindu rites? Are they religions or secular? I think it is better we leave the clause as it is.

MR. PAUL V. DANIEL: Sir, I think the proviso may be changed as follows:

"But nothing herein contained shall be deemed to enable Government to extend any provisions of this Bill to Ezhavas who have changed their religion, and solemnised their marriages according to the rites of the religion to which they have changed"

DEPUTY PRESIDENT: We will simply leave the clause as it is.

The question is that clause 2 as amended by the Council stand part of the Bill.

MR. N. KUMARAN: I wanted to make a verbal correction.

DEPUTY PRESIDENT: I am sorry I cannot permit you. The question has already been put before the Council. Only those who want to speak on the entire clause can do so at present.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Sir, I wish to submit to the Council the advisability of omitting the entire section. My reason for making the suggestion is that the section as it stands is open to serious objection and will also give rise to a considerable number of practical difficulties. That any form of the section, whether amended or unamended, is not acceptable to a considerable section of this House, has been evident by the time that has been taken in the discussion and by the amount of labour that the House has already expended in tinkering with the wording of the provisions of this section.

I object to this section as it stands, on two grounds. One is a ground of principle, and the other is a ground of expediency. In regard to the ground of principle, I wish to point out that, if this section is passed, it will be tantamount to giving the administration a power of legislation.

MR. A. HOOGEWERF: I rise to a point of order. Is Mr. Rangaswami Aiyangar in order in discussing a matter which has already been passed by the Council?

DEPUTY PRESIDENT: He is perfectly in order; he opposes the enactment of that clause in its entirety.

MR. J. JOHN NIDIRY: A point of order. May I know if, when a part of a section is accepted by the Council, a member is not bound by that?

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DEPUTY PRESIDENT: I appreciate the difficulties which Mr. Hoogewerf and Mr. Nidiry are experiencing. Strictly speaking, it is only amendments to the clause, as settled by the Council, that can properly be considered before the clause is placed before the Council for acceptance or rejection. Any amendment by way of negation is really not an amendment, and the proper procedure is to oppose the passing of that clause, when the question is placed before the Council. Mr. Rangaswami Aiyangar, in that sense, is in order.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Well, Sir, I said that my objection to the retention of this section in any form, whether in the old form or in the amended form—

DEPUTY PRESIDENT: There is only the amended form before the Council.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I know it. Sir, even if it is passed as amended, it is open to very serious objection, and that is, that it will confer upon the executive administration a certain amount of power of delegated legislation, which is contrary to the practice of all modern States in which there are legislatures. It seems to me that it would be stultifying this Council, if it were to accept a provision like this, except as an emergency measure or for a temporary purpose. The provision would have been all right if it were introduced at a time when there was no Legislative Council, or if, when there was a Legislative Council, such a Council did not assemble frequently and could not be easily moved. It seems to me that, if any relief has to be given to these communities for whom it is intended, or the provisions of this section have to be extended,—if such a relief has to be given, the proper way is to introduce an amending Bill into the Legislative Council. It is not right that, in a matter like this, the Legislature should divest itself of its responsibility of deciding on such an important measure and thrust its responsibilities upon the Government. It will be putting a considerable amount of strain and pressure on the executive, and exposing the administration to a considerable amount of agitation and influence, which the ordinary executive should be protected from. It seems to me too that the proper course in such a case would have been for any one of those communities to be brought within the purview of this clause, to come forward and either appeal to the Government to enquire into the matter and put forward to the Legislative Council an amending bill, which would give the members of the community the advantages of the whole of this legislative measure or such portions of it as the community might desire to have, or to enable some non-official member to bring forward such a proposal. I think the kind of principle which is to be enacted in the section, if extended, might be extended to other things also. Why not, for instance, give the Government such power as amending the law in future, when it becomes desirable to do so?

DEPUTY PRESIDENT: That is not relevant to the discussion.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Whether it is relevant or not, I cannot see the difference in principle between

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[Rao Bahadur K. V. Rangaswami Aiyangar.]

this kind of legislation and any other kind. I object to it because it is contrary to the very existence of this Council and there is absolutely no justification whatsoever for introducing this provision, except that it is suggested in the Ezhava Law Committee's Report at page 6. From what I see in paragraph 12 of the Ezhava Law Committee's Report, it appears that the Committee seems to have anticipated that at no possible time can there be any probability of the Christian section of the Ezhavas, that is those who have been Ezhavas and become Christians, wanting this relief. On the other hand, it thought that there was some remote chance of the large number of Ezhavas, who follow the *makkathayam* law, wanting such a provision, and it therefore suggested that some kind of provision might be introduced for the benefit of this class alone. Now, I find that we have been spending a considerable amount of time on the discussion to extend the law to *both* the communities! In any case, the Ezhava Law Committee did not go into the question of the validity or invalidity of having such proposals embodied wholesale by the extension of laws or parts of laws. I have said at the commencement, firstly, that it is contrary to the principle on which legislatures are constituted, to allow such delegation. Secondly, it is extremely inexpedient that this power should be given to Government, and that Government should thereby be exposed to a considerable amount of pressure and agitation from outside. On these two grounds, I would very strongly urge the Council to reject the entire measure.

It was suggested that some people are "without laws". I do not understand the significance of this statement that people are without laws. These communities will not be entirely without laws, even if they are not brought under this legislative measure. It is for the community to say *when* they want to be included under this regulation, or *when* they want a separate regulation of their own, and agitate and ask for such a thing—not for us, nor for the executive!

MR. J. JOHN NIDIRY: Is the member sure that there was no agitation from the community up to this?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I am speaking subject to correction. In the light of paragraph 12, page 6, of the Ezhava Law Committee's Report, I can say that the demand for this kind of inclusion is coming from the Committee itself and not from the community. That is my interpretation of the Committee's recommendation. In the absence of a demand from the community, it is not right for the legislature to make a measure of this nature. If the community requires that legislative provision should be made in regard to laws relating to inheritance, marriage, and all that, let it ask for it as other communities do. I think it is not desirable that the legislature should make the provision.

In regard to the Ezhavas who are converts to Christianity or any other religion, I may point out that we shall have something of the same

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difficulty that the Government of India had to face in regard to the members of the Cutch-Memmon community, who have Hindu and not Mahomedan Law, as their personal law. They are Mahomedans but the bulk of the community is governed by Hindu Law. Some time back, the question of having a personal law of their own came up before the Imperial Legislative Council. Sir Ibrahim Rahimtoola moved the measure, but the Government of India refused to allow it to be passed until there was absolute unanimity in the community, or the minority did not object to the provision. Since there was no unanimity, the bill was rejected.

MR. A. HOOGEWERF: I beg to know whether absolute unanimity is ever possible in the world.

DEPUTY PRESIDENT: Well, Mr. Hoogewerf, you may take it from me that this Council can come to its own conclusion, whatever be the views of the majority or the minority.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: That was the condition of the Cutch-Memmon community, and even at the present time, presumably there is no legislative provision for it so far as I know.

DEPUTY PRESIDENT: Some time back an enabling measure was passed by the Supreme Legislative Council.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Thank you, Sir, for the correction. Such knowledge as I possess, I derive from books that were published some time back. Well, if this is so, still I contend that, in the present case, it is not an enabling measure we face. It is not intended to extend the provisions of this law to sections of the community who want it, but the object of it is that the executive should be given the power to extend it to *all* sections. It seems to me to be inexpedient, and I oppose this section. Indeed, I do not see that the communities are going to suffer any serious inconvenience by not having this provision. When they want this amendment to the law, it will be time for them to ask for it, and the Government, which makes provisions for the personal laws of various communities, will have no difficulty in getting legislative sanction for making similar provision in regard to these communities also.

MR. T. K. VELU PILLAI: Sir, from the very beginning, I thought that this section was a kind of excresence on the Ezhava Bill, and on account of the accoustic difficulties of this Hall, I had to stand up more than once with reference to the discussion on this section. I felt my position considerably difficult. But, Sir, time has its reward, and to-day I find a member on the other side of the House coming forward with the proposal that this section should be omitted. Mr. Rangaswami Aiyangar has placed before the House constitutional reasons for the omission of this particular section. I would observe at the very outset that it is unfortunate that certain people should not be given the benefit of the modifications of the law, simply because they happened to desert their old religion and accepted another. I have my full sympathy for those people who have been converted into other religions, and this

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[Deputy President.]

Council should, at the very earliest opportunity, try to rectify matters by giving them a law which they seek for. But, Sir, that is no reason why this section should be retained. Whether the community numbers ten people or ten crores of people, the rights of citizenship are one and the same. (*Mr. A. Hoogewerf:* "*Hear! Hear!*") The function of the Legislature is to make laws for all the subjects of His Highness the Maha Raja. Because one community is larger in number than another the latter community should not be treated in a less favoured manner. Now we are legislating behind the back of a community who follow *makkathayam*, or who having become converts to another religion after the passing of this Regulation continue to follow *marumakkathayam*. The community will have very many points of view to urge to this Council. If, on the recommendation perhaps of a Peishkar or of a lesser officer, the Government takes upon itself to extend this section. It will work much mischief in practice. There is absolutely no necessity for this Council to give certain powers to the Government and take them away on another occasion. It has been usual for legislative measures brought before this Council to contain a clause by which the Government is empowered in practice to do away with the benevolent provisions of those measures. There is the "rules section" in almost every legislative measure that has been brought before this Council for the past 5 or 6 years. Now, Sir, after giving us the power to legislate, if the Government is prepared to act as they like without going into the merits of the case and giving an opportunity to the people to bring their grievances before this Council, I fail to see why we should all come and sit here in the hottest part of the year and spend our time which can be used to our best advantage elsewhere. My point is that, whether it is for ten men or ten thousand or ten crores, the principles of constitutional law should be observed all the same and it would be an insult to the intelligence of this Council and to the intelligence of the country at large, if the Government, after giving this Council the power of making such benevolent provisions, were to arrogate to themselves the function of passing laws behind the back of a community. I am particularly happy that the members on the other side of this House view this question in a truly liberal spirit, which shows that they are also alive to the situation and that the Government wants to be fair. I trust that the example of Mr. Rangaswami Aiyangar will be followed by the other gentlemen also on the opposite side of the House. The matter is a very important one and it is absolutely necessary that the clause should be omitted.

MR. J. JOHN NIDIRY: May I suggest to the member that there were petitions addressed to the Select Committee?

DEPUTY PRESIDENT: We are not to go into the details of the subject-matter. Mr. Rangaswami Aiyangar objected to the section on general principles. He put it on the ground that the executive ought not to be given the power of legislation.

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MR. T. K. VELU PILLAI: There have been petitions, but they have not engaged our full attention.

DEPUTY PRESIDENT: I think you are straying away from the real point at issue. On general principles, you might object to the adoption of that clause. It will be irrelevant if you refer to what the Council accepted at an earlier stage.

MR. T. K. VELU PILLAI: I think it is quite relevant; but out of deference to the chair, I do not want to pursue the point any further. I do sympathise with these communities. When they asked for the Christian law being extended to them the Christian Law Committee would not allow it. When they asked to be under the Ezhava Law, the Ezhava Law Committee would not allow it either. But I am glad to feel that this Council is so liberal that, if any particular community wants a legislation, there will be a dozen gentlemen in this Council—among whom is Mr. Nidiry—who will take up their case and bring in a Bill to amend the law in the best manner possible. Arming the Government with the provision under discussion would mean the very negation of the rights given to us by His Highness the Maha Raja. I trust that the members of this Council will be swayed by considerations of this constitutional nature and agree to the deletion of this section which gives power to Government to do things behind the back of a community.

DEPUTY PRESIDENT: You mean behind the back of the Council or behind the back of the community?

MR. T. K. VELU PILLAI: Behind the back of the community. Behind the back of the Council—I am prepared to maintain that position also.

MR. V. SUBBA AIYAR: Sir, I certainly do respect the knowledge of constitutional law of the learned mover who proposed that this clause ought not to stand part of the Bill.

DEPUTY PRESIDENT: He has not moved any amendment.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I have not moved any proposal.

MR. V. SUBBA AIYAR: Mr. Rangaswami Aiyangar objected to the retention of this section as part of this Bill. I should, therefore, have said that Mr. Rangaswami Aiyangar objected to the retention of the clause as part of the Bill and not that he proposed the deletion of the clause. Mr. Rangaswami Aiyangar objects to the retention, as it is opposed to constitutional law. He put it on two grounds, (1) on principle, and (2) on expediency. As I said, I certainly have great regard for Mr. Rangaswami Aiyangar's knowledge of constitutional law.

MR. T. K. VELU PILLAI: I wish to have a ruling from the Chair as to whether a member is relevant in referring to the capacity of another member.

DEPUTY PRESIDENT: Though, at present, Mr. Subba Aiyar is not very relevant, his observation is but an honest, sincere recognition,

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[Mr. T. K. Velu Pillai.]

MR. V. SUBBA AIYAR: Members are supposed to have due respect for the capacity of those who oppose them on any particular motion. And yet with great deference to their views, it is quite possible for two honest members to differ in their opinions. I think Mr. Velu Pillai will admit that simply because a member differs in his opinion from another it does not mean that the latter should not respect the views of the former.

I may point out that the section does not seem to me to be so very bad as it is supposed to be and does not offend any principle of constitutional law. We are concerned here only with legislation for a certain section of the Ezhavas, namely, the *misradayees* and the *marumakkathayees*. The *makkathayees* and the *marumakkathayee* converts are not intended to be governed by the Bill. The proposal is to delegate to Government the power of extending any of the provisions of this Bill to any of the sections of the Ezhava community who may need it. Now I will come to the reason of it. I will first take the second clause of the section. The main objection to its retention is that the clause will be virtually delegating the powers of the Council to the Executive Government, which is not desirable. I beg to submit that this argument entirely ignores the duty of the Legislature and the duty of the Executive Government. It is not possible for the Legislature to go into the minutest details and do everything in connection with the framing of a law or its working. The Legislature lays down the general rules and leaves the executive to administer them; that is the practice in almost every piece of legislation. In the present case also, we have given power to Government to extend all or any of its provisions to *makkathayam* Ezhavas. The Council goes through the bill, clause by clause, and passes it. The Executive Government is allowed the discretion to extend it to particular sections of the same community who desire it and to whom the Government consider that the law may be extended. If the Government consider that such system will serve the best interests of the community, they will do so and not otherwise.

MR. T. K. VELU PILLAI: I wish to ask Mr. Subba Aiyar whether the Government are to exercise any discretionary power of legislation in extending this section to other communities.

DEPUTY PRESIDENT: By "other communities" do you mean others than Ezhavas?

MR. V. SUBBA AIYAR: I think he means other sections of the Ezhava community than the *misradayee* and the *marumakkathayee* sections. In extending it to some sections of the Ezhava community, Government will have to use their discretion.

MR. T. K. VELU PILLAI: Is it not, therefore, a general power of legislation practically vested in the Government?

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DEPUTY PRESIDENT: Not an undefined power of legislation.

MR. T. K. VELU PILLAI: Is it not a general power of legislation so far as the particular community is concerned?

DEPUTY PRESIDENT: Technically it is so.

MR. N. KUMARAN: May I point out that the Christian converts from the Ezhava community are not considered as Ezhavas?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: May I ask Mr. Subba Aiyar how he would reconcile his position with the statement in the Ezhava Law Committee's Report: "By no stretch of language can the Christian converts, or, for the matter of that, converts to any other faith be said to be Ezhavas"?

DEPUTY PRESIDENT: Clause 2 has been actually adopted by the Council. And it is now too late in the day to oppose it.

MR. V. SUBBA AIYAR: It is a debatable ground. One set is contending that Ezhavas still continue to be Ezhavas even after conversion and that the fact that their name has been changed is immaterial, while another contends that the moment they become converts to another religion they cease to be Ezhavas. As I said yesterday, it is an academical discussion, and we need not go into that.

MR. T. K. VELU PILLAI: May I ask Mr. Subba Aiyar if habits and manners do not, to a considerable extent, depend on religion?

DEPUTY PRESIDENT: You are not in order. While it is open to the members to reject the section in its entirety, they cannot question the correctness of the conclusion that the Council has already reached with reference to the propriety of sub-section (2) of clause 2.

MR. T. K. VELU PILLAI: Does not the President's remark apply to what Mr. Subba Aiyar said?

DEPUTY PRESIDENT: It applies to what Mr. Subba Aiyar said, Mr. Rangaswami Aiyangar said and Mr. Velu Pillai said. I am only making the constitutional position clear. While it is open to the Council to reject the whole of the section, it is not open to any member to question the propriety of any conclusion already reached with reference to a part of that section. Mr. Rangaswami Aiyangar's objection was in order, because it rested on general principles of legislation and on expediency.

MR. V. SUBBA AIYAR: So, then, the power now conferred is not a power empowering the Government to frame any law for any community, but only to apply some provisions of the existing law to certain distinct communities who are mentioned in the sub-clause.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Is it only *some* provisions that the Government is to be empowered to extend?

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[Deputy President.]

DEPUTY PRESIDENT: All provisions.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: In that case, I appeal to the Chair to say whether, when Mr. Subba Aiyar says *some* provisions only, it is not less than *all* provisions?

MR. V. SUBBA AIYAR: *All* the provisions cannot be applied. It is less than *all* the provisions, because in the case of the *makkathayee* Ezhavas, they are entitled to the whole of the parent's property. With reference to the converts also, *all* the provisions may not apply. Therefore it is not possible for the Government to apply *all* the provisions of the law to the two particular communities with which we are concerned at present.

DEPUTY PRESIDENT: The question that Mr. Rangaswami Aiyangar raises is whether, supposing that the clause is passed as it is, it is not possible that the Government would extend the whole of this Bill.

MR. V. SUBBA AIYAR: Then, in that case, the phrase would ordinarily be, "the whole or any portion of this Bill."

DEPUTY PRESIDENT: What I wanted to say was that I think it is legally open to the Government to extend the whole of this Bill to *makkathayees* or converts. But, then, that assumes that the Government would act in an absolutely irresponsible manner, without studying the scope of this legislation or without understanding the wishes of the communities concerned. I am only saying, as Chairman of this Council, that Mr. Rangaswami Aiyangar is right when he contends that the Government is competent to extend the whole of this Bill.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: A matter of personal explanation. My learned friend, Mr. Subba Aiyar, is trying, in his own rhetorical manner, to say that the power of extension given to Government is smaller than it can possibly be. I only want to correct him, because it might deflect the voting by making the Council believe that it is only a minor power that has been conferred. My view is that a major power has been conferred.

MR. T. K. VELU PILLAI: I wish to submit to the Chair that the contention of Mr. Rangaswami Aiyangar does not seem to be based on expediency as was said by the Chair. I do not know whether Mr. Rangaswami Aiyangar is, in that case, in order.

DEPUTY PRESIDENT: He is in order.

MR. T. K. VELU PILLAI: But I am speaking of the correctness of the contention of Mr. Rangaswami Aiyangar as set forth by the Chair.

DEPUTY PRESIDENT: I think it is correct. I think Mr. Rangaswami Aiyangar said that *all* these provisions could be extended.

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MR. T. K. VELU PILLAI: That, Sir, is not a point of order, but an expression of opinion from the Chair.

DEPUTY PRESIDENT: I gave it, because it was sought for as a point of order. Well, you may take it as an expression of opinion; it is my contribution to the discussion.

MR. V. SUBBA AIYAR: We may take the section as it is worded. In case it is intended that all the provisions may be extended, the usual phraseology will, as I said, be "the whole or any portion of the bill". As was pointed out by one of my friends, all the provisions cannot be extended to *makkathayee* Ezhavas, and in the case of Ezhava converts, the part relating to marriage is entirely exempted and the particular communities to whom it may be extended are specifically named therein, so that it is not the delegation of a *general* power of legislation to *all* communities of *all* provisions behind the back of the Council. I may also say that such delegation is found necessary in other Regulations as well. For instance, in the Municipal Regulation, we find that the municipal authorities are empowered to frame bye-laws and consequently they have to exercise the necessary discretion in the matter of framing bye-laws.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: May I know whether the power of extending the provisions of a legislative measure to communities not included in it is the same as the power of passing bye-laws, etc., under statutory sanction?

MR. V. SUBBA AIYAR: It is not to *any* community that the power is to be applied, but to two particular sections of the community mentioned in the law. It is just like a law passed in one particular province in British India which it is open to the Executive to extend to any other province. If a comparison is necessary, I would refer to the Christian Succession Regulation: I am speaking from memory. The Regulation says that the Executive may extend such portions of the Regulation as may in their opinion be necessary to any particular person or to any particular section of a community. So then, this provision is found in many pieces of legislation.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: May I ask for a precedent?

MR. V. SUBBA AIYAR: I am referring to the Christian Succession Regulation. As I am speaking from memory, I am open to correction. The same kind of provision could be found in many other pieces of legislation. Without such a discretion being vested in the Government, I may submit that it will not be possible to work out any Regulation. What is proposed in the present Bill is not to delegate a general power of legislation to Government. The provisions are distinct; and the object of the enactment is also clear. The Government are to use their discretion in the matter of extending any portion of the Regulation. I therefore submit that no new principle is involved, and I think the argument of principle does not hold good.

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[Deputy President.]

In regard to the argument based on expediency, there is not much to be said against it. The Government are alive to it.

I therefore oppose the objection of my friend for the retention of the clause.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: May I know when the Chirstian Succession Regulation was passed?

DEPUTY PRESIDENT: That is not very relevant.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: With due deference to the Chair, I think it is relevant. For the law was passed by the old Legislative Council.

DEPUTY PRESIDENT: The laws passed by the old Legislative Council are as much binding as those passed by the present Council.

Mr. Subba Aiyar, will you please read the section in the Christian Succession Regulation to which you referred?

MR. V. SUBBA AIYAR: Section 4 of the Christian Succession Regulation runs as follows:

"Our Government shall, from time to time, have power, by an order, either retrospectively from the passing of this Regulation or prospectively,—

(1) to exempt from the operation of the whole or any part of this Regulation any individual or the members of any sect, race or tribe, to whom Our Government may consider it undesirable or inexpedient to apply the provisions of this Regulation or part of this Regulation mentioned in the order;

(2) to extend the operation of the whole or any part of this Regulation to any individual or the members of any sect, race or tribe, to whom Our Government may consider it desirable or expedient to apply the provisions of this Regulation or the part of this Regulation mentioned in the order, and

(3) to revoke such order or orders, but not so that the revocation shall have any retrospective effect."

DEPUTY PRESIDENT: Gentlemen, before I put the question to the vote, I would just like to say a few words.

In one sense, the section embodies the delegation by the Council of its statutory power regarding legislation. But if you put it in that simple naked form, it is certainly objectionable. But when you, before a particular provsion is passed, take exception to it, discuss it at length and accept the general soundness,—when under these circumstances you empower Government to extend particular provisions of this bill to the communities specified in the sub-clause, it might be assumed—and I think it might be rightly assumed—that, before that power is definitely exercised by Government, the wishes of the communities concerned would be respected. In fact, it is not likely that Government of their own initiative would extend the statutory provisions of this bill in the absence of a demand from the communities concerned.

As regards leaving a certain power in the Government to extend the provisions of this bill to particular communities or to exempt particular individuals from the operation of this particular statute, I believe

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that the Bill which is now before the Council itself provides for the exemption of particular communities from the operation of this statute so far as the question of partition is concerned. The question has been discussed at sufficient length both by Mr. Rangaswami Aiyangar and Mr. Subba Aiyar, and I do not want therefore to dwell any further on the point.

The question is that clause 2, as amended by the Council, do stand part of the Bill.

The motion was adopted.

Clause 2, as amended, was added to the bill.

Clause 3.

MR. A. HOOGEWERF: Sir, I sent an amendment regarding a printer's devil. But, by another printer's devil, the amendment has been omitted in the agenda. (*Laughter.*)

DEPUTY PRESIDENT: Does that amendment refer to clause 3?

MR. A. HOOGEWERF: Yes, Sir, clause 3 (*a*) is not grammatically correct. The word "come" in line 2, ought to have been "comes."

DEPUTY PRESIDENT: You may move that amendment now, Mr. Hoogewerf.

MR. A. HOOGEWERF: I move that the word "come" in line 2, clause 3 (*a*), be changed into "comes."

The motion was adopted.

DEPUTY PRESIDENT: The next amendment in the agenda is Mr. Paramesvaran's. It runs as follows:

In sub-clause (*a*), line 2, add before the word "or", the words "excepting the families who have been observing the *misradaya* system of succession".

MR. V. SUBBA AIYAR: In regard to that, I beg to submit that it will be better if we defer the consideration of that amendment until we have considered the whole bill. His amendment seeks to exempt certain people from the operation of the bill. If Mr. Paramesvaran's amendments to the later sections are carried, he may not, perhaps, move this at all. So his moving this amendment will depend upon how he fares with his other amendments. I therefore move that the clause be postponed until the consideration of the whole bill.

MR. A. HOOGEWERF: I second it.

The motion was carried.

DEPUTY PRESIDENT: I have got a communication from Mr. Kunjitomman.

I understand that Mr. Kunjitomman, Mr. Paramesvaran and Mr. Vasudevar are not able to follow the discussions in the Council,

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[Deputy President.]

as unfortunately they are not familiar with the language in which the discussions are proceeding. Mr Kunjitomman's suggestion is that either some official translator be appointed or that he be allowed to have a secretary of his own by his side for the translation of speeches as they are delivered. I think the former will be an inconvenient arrangement. The less objectionable course is to permit him to have a secretary of his own by his side to interpret or translate the speeches as they are being delivered. It is an act of courtesy to which, I think, the Council need not object. I take it, gentlemen, that all of you agree to our showing so much courtesy to our fellow-members so that they may take an intelligent interest in the discussion.

MR. K. P. RAMAN PILLAI: May I know under what Standing Order this is permitted? We are now discussing the Ezhava Bill. I think this matter cannot be permitted to come up now. It may go to the President in the chambers.

DEPUTY PRESIDENT: This letter has been put into my hands now. That is why I have referred to it now. But if you have any objection to an act of courtesy, you may say that.

MR. A. HOOGEWERF: I admit courtesy. But members should not have prompting secretaries by their side. (*Laughter.*)

DEPUTY PRESIDENT: Let us trust the good sense of the members of this Council.

MR. K. P. RAMAN PILLAI: A provision may be made for any member to have a secretary by his side. Personally, I would like to have one here. (*Laughter.*)

DEPUTY PRESIDENT: The Council is not prepared to go that length. With reference to three individual members who cannot understand the language in which we are discussing, the question is raised whether the Council got any objection to their keeping by their side an interpreter. We will see that the interpreter does not cause any inconvenience to the general working of the Council.

MR. T. K. VELU PILLAI: I wish to know from the President the practice obtaining in other Councils.

DEPUTY PRESIDENT: I am sorry I have no information. I feel that, if you object to such a courteous provision being made, you are practically driving the electorate to send up to the Council only men who understand English.

MR. C. J. CURIEN: Will the Council permit a secretary to one who is deaf, but understands English and Malayalam?

DEPUTY PRESIDENT: I see it is not possible to allow a secretary to any member. The present arrangement will continue as it is.

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(Speaking in Malayalam, the Deputy President, however, permitted Mr. Kunjitomman to have an official interpreter by his side from that afternoon and said that he would be given a convenient seat).

THE TRAVANCORE EZHAVA BILL.

DEPUTY PRESIDENT: We will now resume the discussion of the Ezhava Bill.

The next amendment to be considered is with respect to clause 4.

Clause 4.

Mr. P. Paramesvaran's amendment stands first. Before I call upon Mr. Paramesvaran to move it, I would like to take up Mr. Kumaran's amendment which comes next to it. Mr. Kumaran, before you move your amendment, may I know if it would not be better if the definition of "lineal descendent" is moved at a later stage when the necessity for it arises?

MR. N. KUMARAN: Yes, Sir, it will be more clear if it is moved when the relevant sections are discussed. I do not move it now, if the President will permit me to move it at a later stage.

Permission being granted, the amendment was not moved then.

DEPUTY PRESIDENT: Mr. Paramesvaran, you may move the following amendment:

Separate property should not be construed so as to include any portion of one's *tarwad* or ancestral property whether *makkathayam* or *marumakkathayam* property obtained by an Ezhava.

MR. P. PARAMESVARAN: പ്രത്യേകസ്വത്ത് എന്ന വാക്കിന് ശരിയായ അർത്ഥവിവരണം ഈ വകുപ്പിൽ ഇല്ല. ഈ പദത്തിൽ എന്തെല്ലാമുൾപ്പെടുമെന്ന വ്യക്തമായി വിവരിക്കേണ്ടിയിരിക്കുന്നു. സ്വാർജ്ജിതസ്വത്ത് എന്നപോലെ പൂർണ്ണമായി വിനിയോഗാധികാരമുള്ളതെല്ലാം പ്രത്യേകസ്വത്താകുന്നു. എന്നാൽ ഒരാൾക്ക് ഈ റെഗുലേഷൻപ്രകാരം ലഭിക്കുന്ന മക്കത്തായമായോ മരുമക്കത്തായമായോ ഉള്ള സ്വത്ത് ഉൾപ്പെടുന്നതല്ല.

ഇങ്ങനെ ഒരു വിവരണം കൂടി ഈ വകുപ്പിൽ ചേർക്കേണ്ടതാകുന്നു. ഇങ്ങനെ ചേർക്കുന്നതിന്റെ പരമോദ്ദേശ്യം ഈ റെഗുലേഷൻപ്രകാരം ലഭിക്കുന്ന സ്വത്തിനെ ഒരുത്തന്റെ തോന്ന്യാസമായി വിൽപ്പത്രം കൊടുക്കുന്നതിനോ ഈ സ്വത്തിന്റെ ആദായത്തിന് ഓഹരിക്കാരായ ഭാര്യ, മക്കൾ, ശേഷക്കാർ മുതലായവർക്ക് ഈ സ്വത്തിനാലുള്ള ഗുണം ലഭിക്കാതെ അന്യാധീനപ്പെടുത്തുന്നതിനോ ഇടയാകാതെ കാത്തുകൊള്ളുന്നതിനായിട്ടാകുന്നു. സ്വാർജ്ജിതത്തിനും പൂർവാർജ്ജിതത്തിനും തമ്മിൽ ബലവത്തായ വ്യത്യാസം ഉണ്ടെന്ന് എല്ലാവരും സമ്മതിക്കുന്നുണ്ടെന്നു

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